



2025:KER:27046

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

FRIDAY, THE 28<sup>TH</sup> DAY OF MARCH 2025 / 7TH CHAITHRA, 1947

WP(C) NO. 13143 OF 2025

PETITIONERS:

- 1 SINDHU  
AGED 43 YEARS  
W/O KAREDAN SHABU, MELUR VILLAGE, CHALAKUDY TALUK,  
KUVAKKATTUKUNNU, THRISSUR DISTRICT., PIN – 680 308.
- 2 SHABU  
AGED 46 YEARS  
S/O. OUSEPH, KAREDAN HOUSE, KORATTY, KOOVAKKATTUKUNNU,  
THRISSUR DISTRICT., PIN – 680 308.

BY ADVS.

P.JINISH PAUL  
SNEHA V.

RESPONDENTS:

- 1 THE KERALA STATE CO-OPERATIVE BANK LTD  
KORATTY BRANCH, KORATTY P.O., THRISSUR DISTRICT,  
REPRESENTED BY ITS BRANCH MANAGER., PIN – 680 308.
- 2 THE DEPUTY THAHASILDHAR  
CHALAKUDY TALUK, CHALAKUDY P.O, THRISSUR DISTRICT., PIN –  
680 307.

BY ADVS

K.S. ARUN KUMAR, STANDING COUNSEL.  
RESMI THOMAS, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.03.2025,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **JUDGMENT**

The petitioners had availed a loan from the 1<sup>st</sup> respondent Kerala Bank, Korratty Branch. They defaulted payment of instalments and the Bank initiated recovery proceedings under the Kerala Revenue Recovery Act, 1968 (for short, 'the Act'). Ext.P2 demand notice and Ext.P3 notice prior to attachment were issued by the 2<sup>nd</sup> respondent under Sections 7 and 34 of the Act, respectively. Challenging Exts.P2 and P3, the petitioners have filed this writ petition. The petitioners have also sought for direction to the respondents to permit them to clear the dues in instalments.

2. When the writ petition came up for consideration today, Adv. K.S. Arun Kumar, the learned



Standing Counsel for the Bank, on instructions, submitted that, an amount of Rs.1,09,399/- is overdue in the loan account and the petitioners can be permitted to pay the said amount in reasonable installments.

3. Adv. Jinesh Paul, the learned Counsel for the petitioners submits that the petitioners may be permitted to pay the overdue amount in 15 equal monthly installments.

4. In the facts and circumstances of the case, this writ petition is disposed of with the following directions:-

- a) The petitioners shall pay the outstanding amount of Rs.1,09,399/- along with accrued interest and applicable charges in 15 equal monthly instalments commencing from 02.05.2025. The instalments as above shall be



payable in addition to the regular EMIs.

b) If the petitioners default payment of any of the instalments, it will be open to the Bank to proceed against them in accordance with law.

c) To enable the petitioners to pay the amount in instalments as aforesaid, all coercive proceedings against the petitioners shall stand deferred.

**Sd/-**

**MURALI PURUSHOTHAMAN  
JUDGE**



APPENDIX OF WP(C) 13143/2025

**PETITIONERS' EXHIBITS**

- |                   |                                                                                                |
|-------------------|------------------------------------------------------------------------------------------------|
| <b>EXHIBIT P1</b> | <b>TRUE COPY OF THE FIRST PAGE OF THE LOAN PASSBOOK OF THE 1ST PETITIONER.</b>                 |
| <b>EXHIBIT P2</b> | <b>TRUE COPY OF THE ATTACHMENT NOTICE U/S 7 DATED 14/01/2025 ISSUED BY THE 2ND RESPONDENT.</b> |
| <b>EXHIBIT P3</b> | <b>TRUE COPY OF THE DEMAND NOTICE U/S 34 DATED 21.01.2025 ISSUED BY THE 2ND RESPONDENT.</b>    |